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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3764/Examiner Michael Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/685,776

Gary Karlin Michelson

Filed: October 15, 2003

METHOD FOR FORMING THROUGH A GUARD
AN IMPLANTATION SPACE IN THE HUMAN
SPINE

Attorney Docket No. 102.0001-13000

Customer No. 22882

Confirmation No.: 6323

FROM:

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800

No. of Pages (including this): 4

Date: August 15, 2005

Confirmation Copy to Follow: NO

Message:

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FORM PTO-1083

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Attorney Docket No.: 102.0001-13000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
 Gary Karlin Michelson
 Serial No: 10/685,776
 Filed: October 15, 2003
 For: METHOD FOR FORMING THROUGH
 A GUARD AN IMPLANTATION
 SPACE IN THE HUMAN SPINE

Confirmation No.: 6323

Art Unit: 3764
Examiner: (Michael Brown)

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

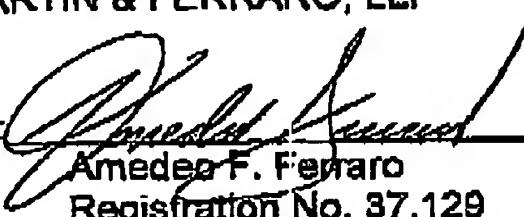
Dear Sir:

Transmitted herewith is a reply to the Office Communication of July 15, 2005 in the above-identified application.

- No additional fee is required.
- Applicant hereby requests a ***month extension of time to respond to the above office action.
- The total amount of \$*** to cover the above fees is to be charged to Deposit Account No. 50-1068.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

By:


 Amedeo F. Ferraro
 Registration No. 37,129

Date: August 15, 2005

1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: (330) 877-0700
 Facsimile: (330) 877-2030

FORM PTO-1083

Attorney Docket No.: 102.0001-13000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gary Karlin Michelson
Serial No: 10/685,776
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Art Unit: 3764
Examiner: (Michael Brown)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

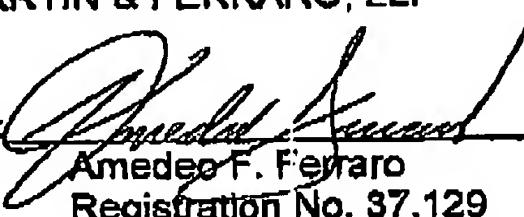
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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A GUARD AN IMPLANTATION SPACE)
IN THE HUMAN SPINE)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE COMMUNICATION

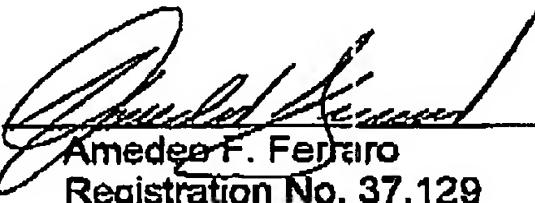
In an Office Communication dated July 15, 2005, the Examiner mailed an Interview Summary corresponding to the interview conducted on June 10, 2005 (the "June interview") between the Examiner and Thomas H. Martin, one of Applicant's representatives. In a Reply to Office Communication dated June 30, 2005, Applicant provided a statement of the substance of the June interview. In response to the outstanding Office Communication, these remarks are repeated below.

The Applicant's representative and the Examiner conducted an interview on June 10, 2005. Claims 1, 31, 67, and 103 were discussed in view of the Ma, Bagby, and Brantigan references. The Examiner indicated that the claims would be examined within a few weeks after the date of the interview.

If there are any fees due in connection with the filing of this Amendment, please charge the fee to our Deposit Account 50-1068.

Respectfully submitted,
MARTIN & FERRARO, LLP

Dated: August 15, 2005

By: 
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Registration No. 37,129

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